

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-005-0022

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed June 26, 2003 (Doc. 7176) in connection with defendants Loyda Rodela and Steven Rodela and subfile CHRB-005-0022 and as grounds therefore Plaintiff states as follows:

1. Loyda Rodela and Steven Rodela signed and approved a Consent Order in subfile CHRB-005-0022 that was filed with the Court on June 26, 2003. The State has corrected the boundaries and irrigated acreage of the land under this subfile, and the boundaries of several other neighboring tracts of land, after review of a plat of survey showing the tracts of land in this general area. The Consent Order filed June 26, 2003 in subfile CHRB-005-0022 should be vacated. Defendants have signed and approved a corrected proposed Consent Order in this subfile to be filed with the Court.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed June 26, 2003 (Doc. 7176) in connection with defendants Loyda Rodela and Steven

Rodela and subfile CHRB-005-0022.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of July, 2008 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Loyda Rodela
Steven Rodela
P.O. Box 1
Tierra Amarilla, NM 87575

/s/ Ed Newville
Edward G. Newville